of Walsh (U.S. Patent 5,825,516) and claims 11, 13, 17 and 24 under 35 U.S.C. § 103(a) as unpatentable over Bigham et al. in view of Walsh and further in view of Skinner, Sr. (U.S. Patent No. 5,355,401). Claims 14, 20-21 have been amended to correct the informalities noted by the Examiner, while claims 1, 4-11, 13, 15-19 and 22-26 remain unchanged. Hence, after entry of this amendment, claims 1, 4-11 and 13-26 stand pending in the application.

THE CLAIMS

Claims rejected under 35 U.S.C. § 103(a):

The Examiner rejected claims 1, 4-10, 14-16, 18-23 and 25-26 under 35 U.S.C. § 103(a) as unpatentable over Bigham et al. in view of Walsh and claims 11, 13, 17 and 24 under 35 U.S.C. § 103(a) as unpatentable over Bigham et al. in view of Walsh and further in view of Skinner, Sr. Applicants respectfully traverse the Examiner's rejection and submit the following arguments in support of their position.

First, Walsh properly cannot be used as a reference to reject the claims because it is not analogous art. Walsh discloses a system for detecting optical loss factors in fiber optic communications, a teaching that cannot be considered an analogous art to, for instance, claim 1, which recites a "system for powering one or more devices in a fiber optic telecommunication network." Walsh teaches the measurement of the optical transmission characteristics of a fiber, a teaching far afield from claim 1, which does not relate to the optical characteristics of the fiber at all. The mere fact that Walsh and the present invention both relate generally to the field of fiber optics is insufficient to establish that the cited reference is analogous art. *See Wang Labs., Inc. v. Toshiba Corp.*, 26 U.S.P.Q.2d 1767, 1773 (Fed. Cir. 1993) (noting that the cited art "is not in the same field of endeavor as the claimed subject matter merely because it relates to memories. It involves memory circuits in which modules of varying sizes may be added or replaced; in contrast, the subject patents teach compact modular memories."). Thus, as non-analogous art, Walsh properly cannot form the basis of an obviousness rejection of any of the claims in the present application.

Furthermore, there is no teaching, suggestion or motivation to combine the teaching of Bigham et al. with that of Walsh. As described more fully below, the teaching of Walsh, which relates to measuring the intensity of light transmitted along an optical fiber, has no application whatsoever in the field of systems for powering devices in a fiber optic network. Although, as the Examiner notes, Walsh "provides reliably and accurately information to a user of loss factors in the fiber optic cable due to extrinsic and extrinsic factors," neither Bigham et al. nor, for example, independent claim 1 pertains to loss factors in a fiber optic cable. Thus, there can be no suggestion or motivation to combine Walsh's method of measuring loss factors with Bigham et al., because loss factors are completely unrelated to the teaching of Bigham et al. Without such a teaching, suggestion, motivation to combine Bigham et al. with Walsh, the Federal Circuit will infer "that the examiner selected those references with the assistance of hindsight." *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998). Thus, the cited references properly cannot be combined to form a rejection of claim 1 under 35 U.S.C. § 103(a).

Finally, even assuming *arguendo* that Walsh permissibly could be combined with Bigham et al., the cited references, either alone or in combination, fail to teach all of the limitations of the claims. For instance, claim 1 recites, *inter alia*, "the power source comprising an alarm system configured to monitor the operation of the power source and transmit power source operation information to the telecommunications service provider." The Examiner correctly notes that Bigham et al. fails to teach this limitation but asserts that Walsh corrects this deficiency. Walsh also fails to teach this limitation, however. The teaching of Walsh (col. 4, lns. 11-13) clearly pertains to "loss factors in the fiber optic cable due to intrinsic and extrinsic factors." Thus, when Walsh (col. 4, lns. 61-65) teaches that "[i]f the measured power level falls outside of this user-defined range, the system will generate a warning signal either visually or audibly. This limit can be either above or below, or both, a baseline power level that is measured by the power meter," it is referring to "optical energy transmitted through the fibers" (col. 4, lns. 22-23) (emphasis added), as measured by "an optical power meter." (col. 4, ln. 15) (emphasis added). As used in Walsh, the term "optical power" can be described as the "signal level in a fiber optic cable" (col. 2, ln. 16) (*i.e.*, the "intensity of the light" (col. 1, ln. 49)), and the

invention of Walsh measures changes in this characteristic resulting from "interconnect problems" (col. 1, lns. 28-29) in the fiber itself.

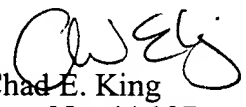
Thus, Walsh teaches the monitoring of optical power, having nothing to do with claim 1's "power source configured to supply an electrical supply voltage to power the optical network node." (emphasis added). This limitation of claim 1 is taught neither by Bigham et al. nor by Walsh. For at least these reasons, claim 1 is patentably distinct from the teachings of both Bigham et al. and Walsh. For similar reasons, independent claim 14 is patentable over the cited references.

Dependent claims 4-11, 13, 15-26 likewise constitute allowable subject matter as depending from allowable base claims as well as being directed to specific novel substitutes. For all of the foregoing reasons, Applicants respectfully request that the Examiner withdraw the rejections under 35 U.S.C. § 103(a).

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is urged. If the Examiner believes a telephone conference would aid in the prosecution of this case in any way, please call the undersigned at 303-571-4000.

Respectfully submitted,



Chad E. King
Reg. No. 44,187

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
CEK:mcl
DE 7069214 v1

APPENDIX A

VERSION WITH MARKINGS TO SHOW CHANGES MADE

2. (Three Times Amended) A method for powering one or more devices in a fiber optic communication network, which transmits communication data between a telecommunications service provider and a user device, the method comprising:

transferring digital communication data between the telecommunications service provider and ~~a~~ an optical network node;

converting the digital communication data from an optical state to an electrical state using the optical network node;

transmitting an electrical supply voltage from a power source to the optical network node;

an alarm system in the power source monitoring the operation of the power source; and

transmitting power source operation information from the alarm system to the telecommunications service provider.

20. (Once Amended) The method as recited in claim 14, wherein the step of transferring digital communication data between the telecommunications service provider and ~~a~~ the optical network node comprises transferring digital communication data between the telecommunications service provider and an optical network unit (ONU).

21. (Once Amended) The method as recited in claim 14, wherein the step of transferring digital communication data between the telecommunications service provider and ~~a~~ the optical network node comprises transferring digital communication data between the telecommunications service provider and a digital subscriber line access multiplexer (DSLAM).

8. (As filed) The system of claim 1, wherein the remote user device is a telephone.

9. (As filed) The system of claim 1, wherein the remote user device is a computer.

10. (As filed) The system of claim 1, wherein the remote user device is a television.

11. (Once Amended) The system of claim 17, wherein the power source comprises a plurality of rectifiers, a plurality of converters, a plurality of current limiters, and a plurality of batteries configured to supply the DC voltage to the power source.

12. (Canceled)

13. (Once Amended) The system of claim 1, further comprising one or more conducting mediums configured to connect the alarm system in the power source to the optical network node for relaying power source operation information to the telecommunications service provider over the fiber optic communication medium.

14. (Three Times Amended) A method for powering one or more devices in a fiber optic communication network, which transmits communication data between a telecommunications service provider and a user device, the method comprising:

transferring digital communication data between the telecommunications service provider and an optical network node;

converting the digital communication data from an optical state to an electrical state using the optical network node;

transmitting an electrical supply voltage from a power source to the optical network node;

an alarm system in the power source monitoring the operation of the power source; and

the telecommunications service provider and a digital subscriber line access multiplexer (DSLAM).

22. (Added in 1/28/02 Amendment) The method as recited in claim 14, wherein the step of transmitting power source operation information from the alarm system to the telecommunications service provider comprises transmitting alarm signals to the telecommunications service provider.

23. (Added in 1/28/02 Amendment) The method as recited in claim 14, wherein the step of transmitting power source operation information from the alarm system to the telecommunications service provider comprises transmitting power level and operational data to the telecommunications service provider.

24. (Added in 1/28/02 Amendment) The method as recited in claim 14, wherein the step of transmitting an electrical supply voltage from a power source to the optical network node comprises an AC power feed supplying power to the power source during normal operation and a DC power feed supplying power to the power source when the AC power feed is inoperable.

25. (Added in 1/28/02 Amendment) The method as recited in claim 14, further comprising conducting both the electrical supply voltage and the digital communication data along a single electrical conducting medium from the optical network node to the remote user device.

26. (Added in 1/28/02 Amendment) The method as recited in claim 25, further comprising network interface device interfacing between the optical network node and the remote user device.